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J1031 U.S. PTO

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Docket # PF-0356-3 DIV

"Express Mail" mailing label number EL 856 155 985 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on April 23, 2001

By: KATHLEEN R. MURO  
Printed: KATHLEEN R. MURO

Jc921 U.S. PTO  
09/840787  
04/23/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/518,865, filed on March 3, 2000 , entitled HUMAN REGULATORY MOLECULES, which was a divisional application of USPN 6,132,973, issued October 17, 2000, which was a divisional application of USPN 5,932,442, issued August 3, 1999.

1.  Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/518,865 filed March 3, 2000, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2.  With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/933,750, filed September 23, 1997, now USPN 5,932,442, issued August 3, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/518,865 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3.  Cancel in this application original claims \_\_\_\_ before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related

to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4.  The inventor(s) of the invention being claimed in this application is (are): Preeti Lal, Jennifer L. Hillman, Olga Bandman, Purvi Shah, Janice Au-Young, Henry Yue, Karl J. Guegl.
5.  In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on September 23, 1997 is enclosed.
6.  Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/518,865, filed March 3, 2000, all of which applications and patents are hereby incorporated herein by reference."
7.  The filing fee is calculated below:

Claims Filed	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
Total Claims	20	-20	0	x \$18	0	\$0
Indep. Claims	2	-3	0	x \$80	0	\$0
<u>Multiple Dependent Claim(s), if any</u>					<u>+\$270</u>	<u>\$0</u>

**TOTAL FILING FEE \$ 710.00**

8.  An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9.  Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10.  New formal drawings are enclosed.

11.  The prior application is assigned of record to Incyte Pharmaceuticals, Inc, recorded on March 16, 1998, at reel 9106/frame 0593.

12.  A preliminary amendment is enclosed.

13.  Also enclosed Information Disclosure Statement and Form PTO-1449.

14.  The power of attorney of the prior application is to:

<b>Lucy J. Billings</b>	<b>Reg. No. 36,749</b>
<b>Michael C. Cerrone</b>	<b>Reg. No. 39,132</b>
<b>Colette C. Muenzen</b>	<b>Reg. No. 39,784</b>
<b>Sheela Mohan-Peterson</b>	<b>Reg. No. 41,201</b>
<b>Karen J. Zeller</b>	<b>Reg. No. 37,071</b>

— The associate power of attorney in the prior application is to:

a.  A Certificate Under 37 CFR §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached hereto.

b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c.  Address all future correspondence to:

**INCYTE GENOMICS, INC.**  
**PATENT DEPARTMENT**  
**3160 Porter Drive**  
**Palo Alto, California 94304**  
**Phone: (650) 855-0555, Fax: (650) 845-4166**

Date: April 23, 2001

By: Daniel B. Shuler Reg. No. 43,168  
for Lynn E. Murry, Ph.D., Reg. No. 42,918  
Direct Dial Telephone: (650) 845-4159

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record  
 Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.